



# U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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## ***News Advisory***

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## **Sensenbrenner Praises Recent Expansion of Expedited Removal Authority Across the U.S. Southwest Border as New CRS Report Details Tripling of OTM Apprehensions in Last 3 Years**

### ***Sensenbrenner: Expedited Removal Expansion Will Improve the Physical Security of Americans Living in the Southwest Border Area***

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today applauded the recent announcement by Department of Homeland Security (DHS) Secretary Michael Chertoff that DHS is expanding Expedited Removal (ER) authority from three to nine U.S. Customs and Border Protection (CBP) Sectors along the U.S.’s Southwest border, as new evidence emerged about a growing crisis of immigration “other than Mexican” (OTM) border apprehensions. The non-partisan Congressional Research Service (CRS) has revealed that OTM apprehensions have tripled in the last 3 years and that these illegal entries can present national security risks to the U.S. (This report is available at <http://judiciary.house.gov/media/pdfs/ERCRSreport.pdf>.)

Chairman Sensenbrenner said, “Expedited Removal improves our national security by allowing DHS to expeditiously return OTMs to their country of origin as soon as circumstances allow. Individuals in ER proceedings are not released into the United States; thus, they are thwarted from freely roaming around and joining the millions of illegal aliens already in the U.S. Furthermore, because there is substantial reduction time from arrest to removal, and a decrease in the success of illegal smuggling, ER will disrupt the vicious human smuggling cycle that occurs along the Southwest border.”

“I commend Secretary Chertoff for his action because it will not only immediately address the growing number of other than Mexican illegal aliens crossing the Southwest border, but will also improve the physical security of those Americans living in the border area. Combined with Mexico’s recent policy change to end visa waiver arrangements with Brazil and Ecuador, and deport citizens from those countries living in Mexico in violation of their visas, I am hopeful that the flood of OTM illegal aliens will be brought under control and

eventually stopped,” Chairman Sensenbrenner stated.

Chairman Sensenbrenner has been a strong supporter of ER for many years and wrote to CBP Commissioner Robert Bonner in July asking him to expand the Expedited Removal authority across the entire Southwest Border.

Specifically, CRS stated in its new report that, “Over the past three years, OTM apprehensions have more than tripled nationwide and have been concentrated along the South Texas border. The reasons for this dramatic increase and its geographical concentration in Texas are not altogether clear. The number of people entering the country illegally between Ports of Entry (POE), and the concomitant proliferation of human and drug smuggling networks, can present risks to national security due to the ever-present threat of terrorism.”

### **BACKGROUND on Expedited Removal**

Expedited Removal was created in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. DHS has successfully implemented ER in three Sectors: Tucson, Arizona; McAllen, Texas; and Laredo, Texas. DHS also implemented ER in San Diego, California; El Centro, California; and Yuma, Arizona Sectors, but has only used ER in those Sectors for aliens who would otherwise be subject to the reinstatement of prior orders of removal. The ER administrative process is aimed at reducing the number of OTMs who have spent less than 14 days in the United States and who are apprehended within 100 miles of the border.

CBP agents along the Southwest border have been trained and are now ready to implement ER in all nine Border Patrol Sectors along the Southwest border. In addition, because of strong support from the Administration and Congress, DHS will acquire additional detention capacity to support the increase in Expedited Removals.

### **HIGHLIGHTS from CRS Report**

OTMs apprehended along the Southwest border by the United States Border Patrol (USBP) between official Ports of Entry cannot be returned to Mexico because Mexico will not accept them. Instead, they must be returned to their countries of origin, or third countries that will accept them, by the Office of Detention and Removal Operations (DRO) within Immigration and Customs Enforcement (ICE). However, DRO does not have enough detention beds to accommodate every OTM that is apprehended. As a result, the majority of OTMs apprehended by the USBP are released in the interior of the United States with notices to appear before an immigration judge. Most of these released OTMs fail to show up for their hearings and stay illegally in the U.S. In order to address the increasing number of OTMs being apprehended and circumvent the regular removal process, the USBP is currently expanding its ER program. Issues for Congress include the potential for terrorist infiltration, the lack of detention bed-space that causes OTMs to be released into the interior of the country, and how best to deploy DHS resources to address the growing number of OTMs entering into the country illegally.

In fiscal year (FY) 2004, Border Patrol agents apprehended 1,158,802 people attempting to enter the country illegally between official POE. Of these apprehensions, 93% were Mexican nationals. In the new National Border Patrol Strategy, the agency notes that while some observers categorize the aliens as economic migrants, “an ever present threat exists from the potential for terrorists to employ the same smuggling and transportation networks, infrastructure, drop house, and other support than use these masses of illegal aliens as ‘cover’ for a successful cross-border penetration.”

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